THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

FREDERICK S. MOORE, JR., d/b/a DUB 47 ENTERTAINMENT,)
Plaintiff,)
v. MICHAEL CHESTER, ERIC POWELL, CITY OF ST. JOSEPH, MISSOURI, and ST. JOSEPH, MISSOURI POLICE DEPARTMENT,)) No. 05-6080-CV-SJ-FJG))
Defendants.)

ORDER

Pending before the Court is Plaintiff's Motion for Summary Judgment (Doc. No. 7). Plaintiff states that summary judgment should be granted because defendants City of St. Joseph, Missouri, St. Joseph, Missouri Police Department, and Officer Eric Powell have failed to timely respond to plaintiff's complaint.

After reviewing the file in this matter, the Court has determined that plaintiff is incorrect in his assertion that these defendants have failed to respond to his complaint. According to the Court's records, the above-referenced defendants timely answered plaintiff's complaint on August 31, 2005, filing a certificate of service indicating that plaintiff was served a copy of their answer via U.S. Mail. <u>See</u> Doc. No. 5. Therefore, plaintiff's motion for summary judgment (Doc. No. 7) is **DENIED.**

IT IS FURTHER ORDERED that the Clerk of the Court send (1) a copy of this order, and (2) a copy of defendants' answer (Doc. No. 5, filed on August 31, 2005), via regular

and certified mail to plaintiff at the following address:

Frederick S. Moore, Jr. 506 S. 20th Street St. Joseph, Missouri 64501

IT IS SO ORDERED.

/S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr. United States District Judge

Dated: <u>September 19, 2005</u> Kansas City, Missouri